

Ref

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by.

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 415

Use of the Plenary Powers to provide a valid foundation
for the continued employment of the specific name
cyanea Hume, 1877, as published in the combination

Muscitrea cyanea (Class Aves)



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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 415

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(*Arranged in order of precedence by reference to date of election or of most recent
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Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Nether-
lands*) (12th August 1953)

OPINION 415

USE OF THE PLENARY POWERS TO PROVIDE A VALID
FOUNDATION FOR THE CONTINUED EMPLOY-
MENT OF THE SPECIFIC NAME "CYANEA"
HUME, 1877, AS PUBLISHED IN THE
COMBINATION "MUSCITREA
CYANEA" (CLASS AVES)

RULING.—(1) Under the Plenary Powers the specific name *cyanea* Vieillot, 1818, as published in the combination *Muscicapa cyanea*, is hereby suppressed for the purposes both of the Law of Priority and of the Law of Homonymy.

(2) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Nos. 729 to 731 respectively :—

- (a) *cyanea* Müller (P.L.S.), [1776], as published in the combination *Muscicapa cyanea* ;
- (b) *cyanea* Hume, 1877, as published in the combination *Muscitrea cyanea* ;
- (c) *hyacinthina* Temminck, 1820, as published in the combination *Muscicapa hyacinthina*.

(3) The under-mentioned specific name is hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name No. 309 : *cyanea* Vieillot, 1818, as published in the combination *Muscicapa cyanea*, as suppressed under the Plenary Powers under (1) above.

I. THE STATEMENT OF THE CASE

On 3rd June 1952, Dr. Charles Vaurie (*The American Museum of Natural History, New York*) submitted to the Commission the following application for the suppression under the Plenary Powers of the specific name *cyanea* Vieillot, 1818, as published in the combination *Muscicapa cyanea* (Class Aves), a name which had never subsequently been used in the literature. It was a senior subjective synonym of the name of a species (*hyacinthina* Temminck), currently placed in the genus *Niltava* Hodgson, in which genus Vieillot's name invalidated as a junior secondary homonym the name *cyanea* Hume, 1877, as published in the combination *Muscitrea cyanea*, a name which for about three-quarters of a century had been continuously used for a well-known Indian bird :—

**Proposed use of the Plenary Powers to suppress the trivial name
“cyanea” Vieillot, 1818, as published in the combination
“Muscicapa cyanea”, for the purpose of validating the
trivial name “cyanea” Hume, 1877 as published
in the combination “Muscitrea cyanea”,
(Class Aves)**

By CHARLES VAURIE

(*The American Museum of Natural History, New York*)

The object of the present application is to ask the International Commission on Zoological Nomenclature to use its Plenary Powers for the purpose of suppressing the trivial name *cyanea* Vieillot, 1818, as published in the combination *Muscicapa cyanea*, thus validating in the genus *Niltava* Hodgson, 1837 (*India Rev.* 1 : 650) the trivial name *cyanea* Hume, 1877, as published in the combination *Muscitrea cyanea* (Class Aves). The details of this case are set out below.

2. The species represented by the nominal species *Muscicapa cyanea* Vieillot, 1818 (*Nouv. Dict. Hist. nat.* 21 : 447) is said to come from Timor and appears from Vieillot's description to be the same species as that which later was given the name *Muscicapa hyacinthina* Temminck, 1820 (*in* Temminck & Laugier, *Nouv. Rec. Planches color. Ois.* (5) : pl. 30, figs. 1, 2). The name given to it by Vieillot, which has never been used for it or cited in connection with it in the literature since the time of its original publication, is invalid, being a junior primary homonym of *Muscicapa cyanea* Müller, [1776] (*in* Linnaeus, *Syst. Nat.*, Suppl. : 170).

3. The bird to which Hume in 1877 (*Stray Feathers* 5 : 101) gave the name *Muscitrea cyanea* is now treated as belonging to the genus

Niltava Hodgson. Accordingly, there are now in that genus two species, each possessing the trivial name *cyanea*, namely (1) Temminck's *hyacinthina*, which, as explained above, has *cyanea* Vieillot in its synonymy, and (2) Hume's *cyanea*. Under the normal operation of the Rules, the latter name, as a junior secondary homonym, must be rejected as invalid. This name has, however, been in unchallenged use for about 75 years for the well-known Indian bird concerned and is the name that has been used for that bird in every standard work published during that period. The rejection of this name at this stage would lead to confusion and disturbance, unaccompanied by any corresponding benefit.

4. The International Commission on Zoological Nomenclature is accordingly asked :—

- (1) to use its Plenary Powers for the purpose of suppressing the trivial name *cyanea* Vieillot, 1818, as published in the combination *Muscicapa cyanea*, for the purposes of the Law of Homonymy ;
- (2) to place the under-mentioned trivial names on the *Official List of Specific Trivial Names in Zoology* :—
 - (a) *cyanea* Hume, 1877, as published in the combination *Muscitrea cyanea* ;
 - (b) *cyanea* Müller, [1776], as published in the combination *Muscicapa cyanea* ;
 - (c) *hyacinthina* Temminck, 1820, as published in the combination *Muscicapa hyacinthina* ;
- (3) to place the trivial name *cyanea* Vieillot, 1818, as published in the combination *Muscicapa cyanea*, as proposed, under (1) above, to be suppressed under the Plenary Powers, on the *Official Index of Rejected and Invalid Specific Trivial Names in Zoology*.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : Upon the receipt of Dr. Vaurie's application the question of the use of the Commission's Plenary Powers for the purpose of validating the specific name *cyanea* Hume, 1877, as published in the combination *Muscitrea cyanea*, was allotted the Registered Number Z.N.(S.) 686.

3. Publication of the present application : The present application was sent to the printer on 4th July 1952 and was published on 15th October of the same year in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature* (Vaurie, 1952, *Bull. zool. Nomencl.* 9 : 104—105).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 15th October 1952 (a) in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature* (the Part in which the application by the Standing Committee on Ornithological Nomenclature was published), (b) to the other prescribed serial publications and (c) to certain general zoological serials. In addition, such Notice was given also to fourteen serial publications or institutions specially concerned with ornithology. The names of the serials and institutions in question have been given in the *Opinion* (*Opinion* 401)¹ relating to the generic name *Colymbus* Linnaeus, the *Opinion* in which the Commission dealt with the first of the series of applications submitted by the Standing Committee on Ornithological Nomenclature.

5. Comments of a general character : The issue of the Public Notices specified above elicited thirty-seven comments of a general character relating to the cases of ornithological nomenclature published in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature*. These comments came from ornithological institutions, groups of ornithologists and individual specialists. Of these comments, the authors of thirty-six gave general support to the applications published in the foregoing Triple-Part. The single remaining comment was from a specialist who was opposed to any use of the Commission's Plenary Powers. The communications so received have been reproduced in the Appendix annexed to *Opinion* 401 (*Colymbus*)², those supporting

¹ *Opinion* 401 has been published as Part 1 of the present volume.

² See Footnote 1.

the applications referred to above being given in Part 1, the single comment in opposition to the above applications being given in Part 2. Two comments directly concerned with the present application were received in the Office of the Commission, both of which were in support of the action proposed. These communications are reproduced in the immediately following paragraphs. No communication specifically objecting to the use of the Plenary Powers in the manner proposed in the present case was received from any source.

6. Support received from Colonel Richard Meinertzhagen (London) : On 5th December 1952, Colonel Richard Meinertzhagen (*London*) addressed a letter to the Commission intimating his support for certain of the applications relating to ornithological nomenclature then recently published in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature*. As regards the present application Colonel Meinertzhagen wrote as follows :—

I wish to register my whole-hearted agreement with recommendation No. 21 (*Niltava cyanea*)³ . . .

7. Support received from Dr. Josselyn Van Tyne (Ann Arbor, Michigan, U.S.A.) and five other United States ornithologists : On 18th March 1953, Dr. Josselyn Van Tyne (*Ann Arbor, Michigan, U.S.A.*) and the five under-mentioned specialists addressed to the Commission a joint letter of support for the present application :—(a) Robert W. Storer (*Museum of Zoology, Ann Arbor, Michigan, U.S.A.*) ; (b) Andrew J. Berger (*Ann Arbor, Michigan, U.S.A.*) ; (c) Olin Sewall Pettingill, Jr. (*Northfield, Minnesota, U.S.A.*) ; (d) Frank A. Pitelka (*Berkeley, California, U.S.A.*) ; (e) John Davis (*Los Angeles, California, U.S.A.*). The letter so received was as follows :—

We, the undersigned, wish to express our strong approval of proposal No. 14 (concerning *cyanea* Hume)⁴ published on page 3 of vol. 9 of the

³ The number here cited by Colonel Meinertzhagen is the number under which the present application appeared in the list of cases published in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature* which was printed on the coloured wrapper (cover) in which the above Part was published.

⁴ The case number here cited by Dr. Van Tyne and his colleagues is that under which the present case was enumerated in the Prescribed Plenary Powers Notice published on page 3 (the page reference cited by the above specialists) in volume 9 of the *Bulletin of Zoological Nomenclature*.

Bulletin of Zoological Nomenclature. We hope that your Commission will take favorable action on it.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

8. Issue of Voting Paper V.P.(54)84 : On 14th May 1954, a Voting Paper (V.P.(54)84) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the name *cyanea* Hume, 1877, as published in the combination *Muscitrea cyanea*, as set out in Points (1) to (3) in paragraph 4 at the foot of page 104 and the top of page 105 of volume 9 of the *Bulletin of Zoological Nomenclature*" [i.e. in the Points numbered as above in paragraph 4 of the application reproduced in the first paragraph of the present *Opinion*].

9. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 14th August 1954.

10. Particulars of the Voting on Voting Paper V.P.(54)84 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(54)84 was as follows :—

(a) *Affirmative Votes had been given by the following nineteen (19) Commissioners (arranged in the order in which Votes were received) :*

Boschma ; Holthuis ; Lemche ; Dymond ; Hering ; Vokes ; Esaki ; Riley ; Bonnet ; Bradley (J.C.) ; Hemming ; Jaczewski ; do Amaral ; Pearson ; Hankó ; Mertens ; Sylvester-Bradley ; Cabrera ; Stoll ;

(b) *Negative Votes :*

None ;

(c) *Voting Papers not returned* :

None.

11. Declaration of Result of Vote : On 17th August 1954, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(54)84, signed a Certificate that the Votes cast were as set out in paragraph 10 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

12. Preparation of the Ruling given in the present " Opinion " : On 21st October 1955, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(54)84.

13. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

cyanea, *Muscicapa*, Müller (P.L.S.), [1776], *Des Linné vollständ. Natursyst.*, Suppl. : 170

cyanea, *Muscicapa*, Vieillot, 1818, *Nouv. Dict. Hist. nat.* **21** : 447

cyanea, *Muscitrea*, Hume, 1877, *Stray Feathers* **5** : 101

hyacinthina, *Muscicapa*, Temminck, 1820, in Temminck & Laugier, *Nouv. Recueil Planch. col. Oiseaux Buffon* (5) : pl. 30, figs. 1, 2

14. At the time of the submission of the present application the name applicable to the second portion of a binomen was " trivial name ". This was altered to " specific name " by the Fourteenth International Congress of Zoology, Copenhagen, 1953, which at the same time made corresponding changes in the titles of the *Official List* and *Official Index* of names of this category. These changes in terminology have been incorporated in the Ruling given in the present *Opinion*.

15. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

16. The present *Opinion* shall be known as *Opinion* Four Hundred and Fifteen (415) of the International Commission on Zoological Nomenclature.

DONE in London, this Twenty-First day of October, Nineteen Hundred and Fifty-Five.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING